



## City Planning Commission 2012 Report to City Council

### ***Planning Commission***

*Mark Warlick, Chairman*

*Lisa Chandler*

*Earl Fraley, Jr.*

*Brad Law*

*Dr. Dan Neumann*

*Syble Stone, Vice Chairman*

*Martin Thomas, Jr.*

*Approved: January 24, 2013*

*Department of Planning and Community Development*



## Chairman's Message

January 24, 2013

To the Honorable Mayor and Council  
City of Norfolk, Virginia

Ladies and Gentlemen:

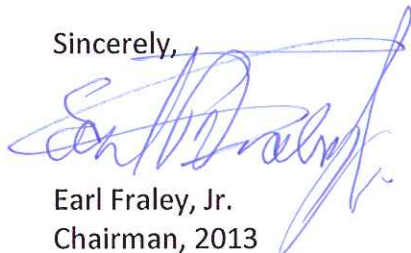
On behalf of the City Planning Commission, and our former Chairman, Mr. Mark Warlick, I am pleased to forward this summary report of activities for 2012. Most notably, the Commission over the last twelve months saw a slight increase in the number of planning and zoning applications reviewed, continuing the recovery that began in 2011. The Commission also completed its year by recommending adoption of *plaNorfolk 2030*, the first major revision of the City's Comprehensive Plan since 1992.

The Planning Commission is also proud to have significantly increased its online presence in 2012, greatly improving public access to our processes and procedures. The Commission has worked with staff to make 'fillable' application forms available to potential applicants on the City's website and posting all applications that are received to the website well in advance of public hearing dates.

Looking forward, the Planning Commission envisions a 2013 as busy as 2012, continuing the first preliminary steps that have already been taken to implement *plaNorfolk2030*. The Commission also looks forward to continuing the preparation of several ordinance revisions designed to improve processes and make Norfolk a more vibrant, dynamic and livable city.

The continuing confidence and support of City Council in our role of helping to guide and direct the future growth and development of Norfolk is acknowledged and appreciated. The Commission would also like to thank the staff of the Department of Planning and Community Development for their professionalism and support of our work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl Fraley, Jr.", is written over the word "Sincerely,".

Earl Fraley, Jr.  
Chairman, 2013

CC: Marcus D. Jones, City Manager  
Frank M. Duke, AICP, Planning Director

## Norfolk City Planning Commission

The Norfolk City Planning Commission is a seven-member body, appointed by the City Council, responsible for the review of land use and zoning matters for the City of Norfolk. The Commission makes recommendations on various matters to City Council, which is ultimately responsible for making a final decision. The City Planning Commission is also responsible for the development of the City's General Plan.

Planning Commission members in 2012 were: Mark Warlick, Chairman; Lisa Chandler; Richard Diamonstein (January through July); Earl Fraley, Jr.; Brad Law; Dr. Dan Neumann (August through December); Syble Stone, Vice Chairman; and Martin Thomas, Jr. Richard Diamonstein resigned following the July meeting and was replaced beginning in August by Dr. Dan Neumann. Frank Duke, Director of Planning and Community Development, served as Executive Secretary to the Commission.

The Planning Commission met on 22 separate occasions in 2012, the second and fourth Thursday of every month, excepting November and December where only one meeting was held. The table below illustrates each Commissioner's attendance for the year.

	Meetings in Attendance	Meetings Absent
Mark Warlick, Chairman	18	4
Lisa Chandler	18	4
Richard Diamonstein*	5	10
Earl Fraley, Jr.	21	1
Brad Law	16	6
Dr. Dan Neumann*	7	0
Syble Stone, Vice Chairman	22	0
Martin Thomas, Jr.	22	0

\* Only served for a portion of 2012

In 2012, the Planning Commission processed 178 planning and zoning applications and 88 design review applications. Additionally, the Commission considered presentations on several other topics throughout the year, including *plaNorfolk2030*, historic district design guidelines, flooding and the Flood Ordinance, parking, the Cannonball Trail, CPTED (crime prevention through environmental design), the Military Circle area, the East Beach Harbor area, and recent State legislation.



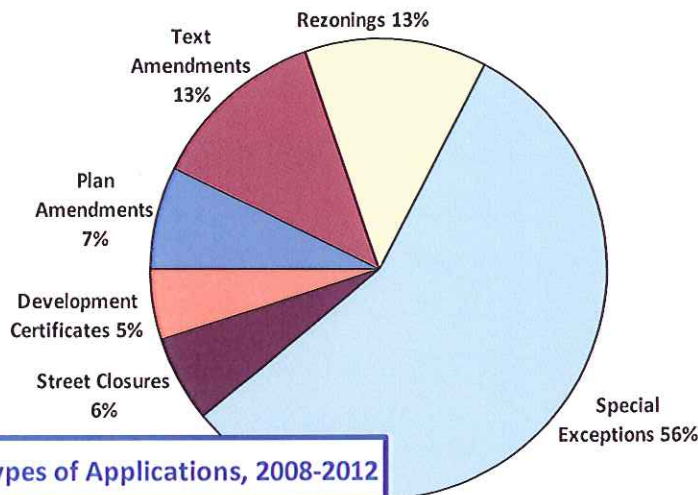
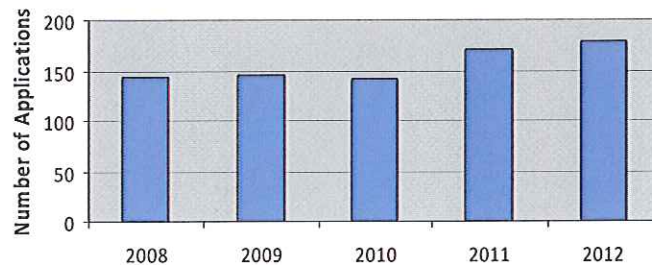
## Applications Reviewed – 2008-2012

2012 saw the continuation of a recent trend of increasing applications to the Planning Commission, with total applications rising to 178 in 2012. Between 2008 and 2012, the Planning Commission processed 781 planning and zoning applications, an average of about 156 per year. After 2008, when the 144 applications processed

were a significant decline from previous years, applications remained steady at just under 150 per year until 2011, when the number of applications began to rebound. Approximately 56% of applications between 2008 and 2012 were for special exceptions, by far the leading category of application. Rezoning applications represent the next most common

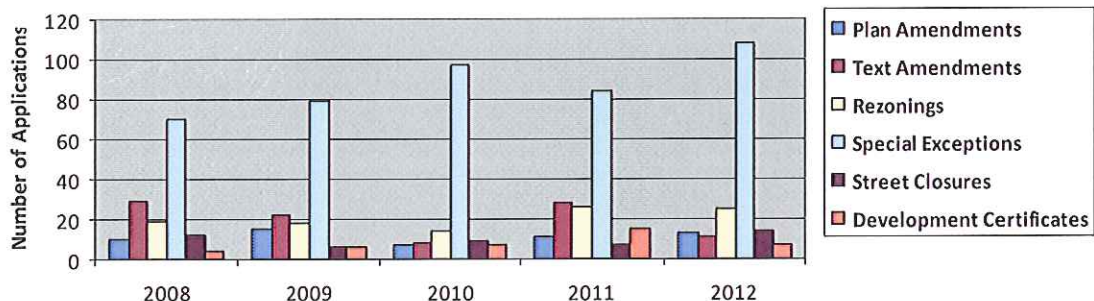
application type, with about 13% of the total. Rezoning applications have seen a dramatic change in recent years, falling from 49 in 2007 down to 14 in 2010 before increasing to 26 in 2011 and 25 in 2012. The third most common application type since 2008 has been the zoning ordinance text amendment, representing about 13% of the five-year total.

Total Applications Received, 2008-2012



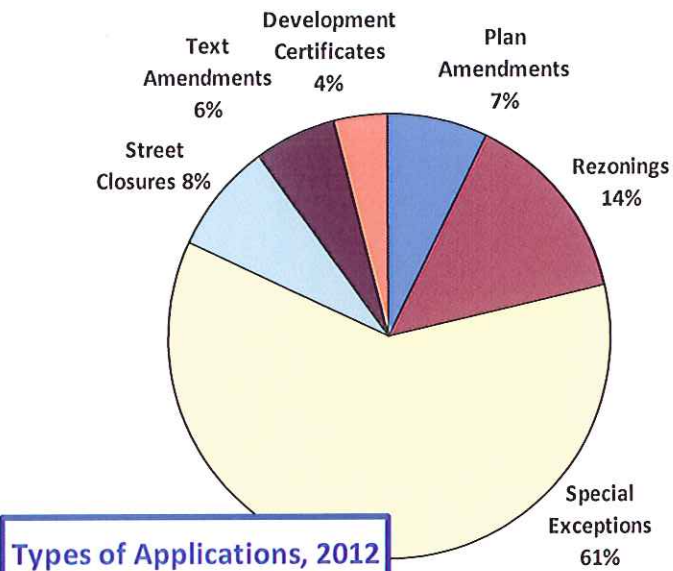
Types of Applications, 2008-2012

Planning Commission Activity, 2008-2012



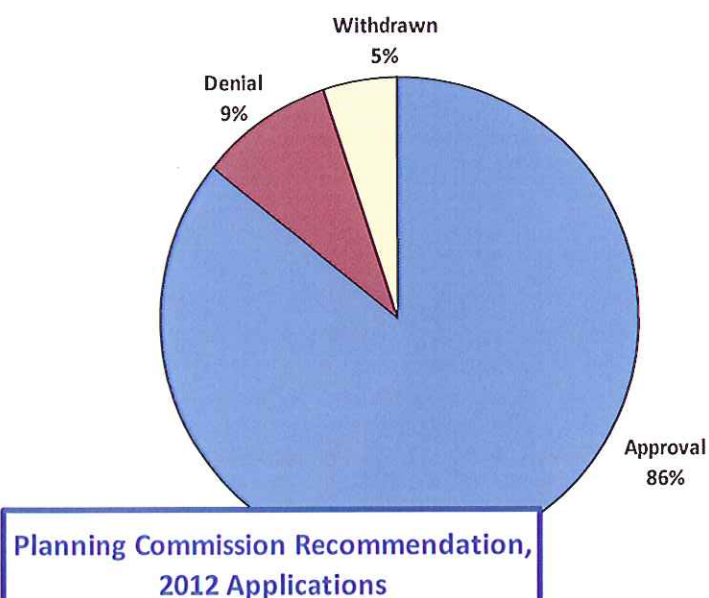
## Applications Reviewed in 2012 – Planning & Zoning

The 178 planning and zoning applications reviewed by the Planning Commission in 2012 represent about a 4% increase over the 171 applications reviewed in 2011. Special exception applications, almost 61% of the total, were by far the most common type of application processed in 2012 and were significantly increased from 2011, when they were 49% of the total. The following table illustrates the disposition of all applications processed in 2012.



	CPC Recommendation					
	Total	Percent	Approval	Denial	Withdrawn	% Approval
Plan Amendments	13	7.3%	9	2	2	69.2%
Text Amendments	11	6.2%	10	0	1	90.9%
Rezoning	25	14.0%	19	3	3	76.0%
Special Exceptions	108	60.7%	95	10	3	88.0%
Street Closures	14	7.9%	14	0	0	100.0%
Development Certificates*	7	3.9%	6	1	0	85.7%
<b>Total</b>	<b>178</b>	<b>100.0%</b>	<b>153</b>	<b>16</b>	<b>9</b>	<b>86.0%</b>

\*Includes Downtown and PCO Development Certificates, and Institutional Development Plans



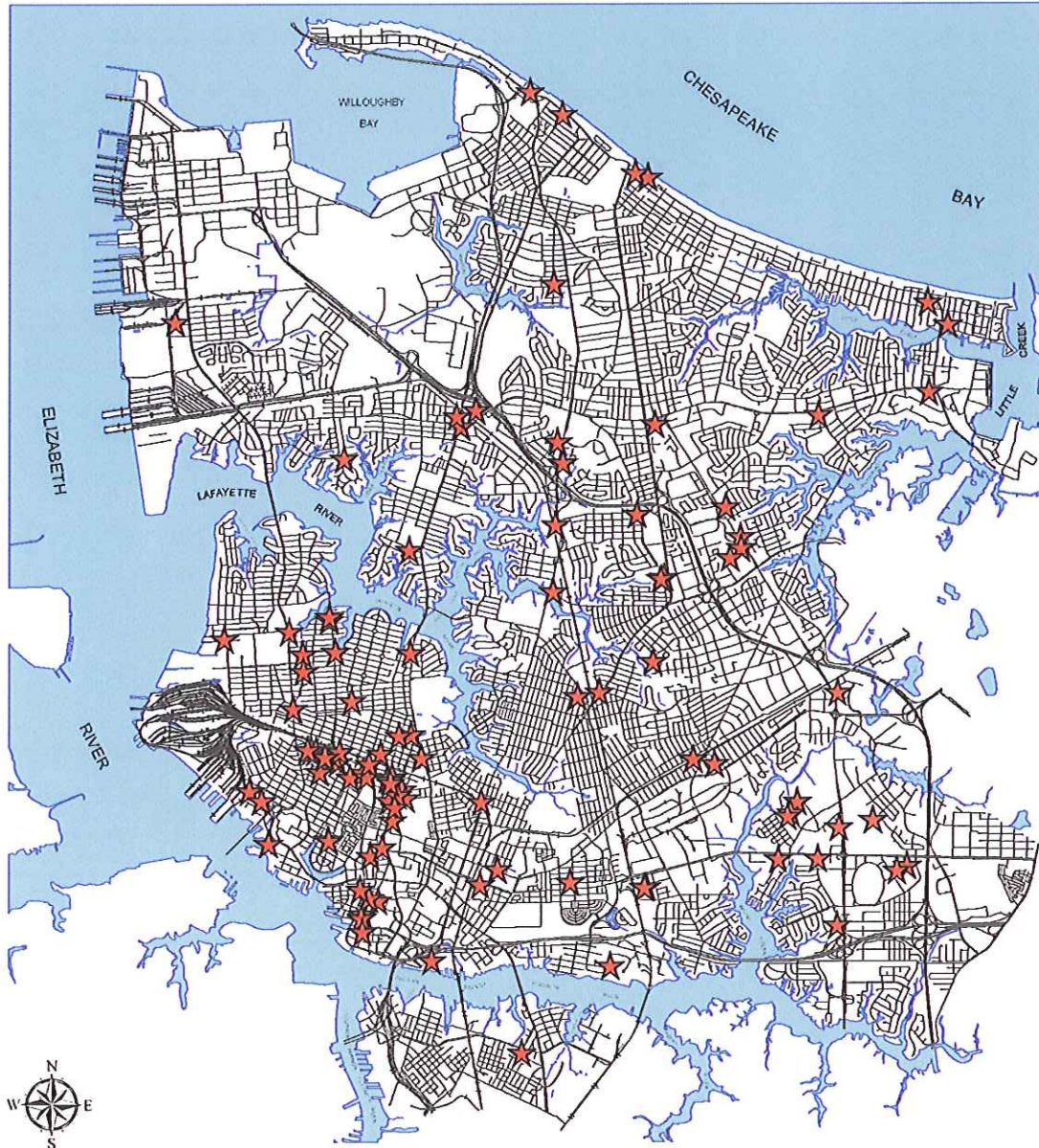
The Planning Commission recommended approval on approximately 86% of the applications it reviewed in 2012. Almost 9% of applications were recommended for denial, and 5% of applications were withdrawn before the Commission could make a recommendation. Ten of the sixteen applications recommended for denial were for a special exception.



## Applications Reviewed in 2012 – Planning & Zoning

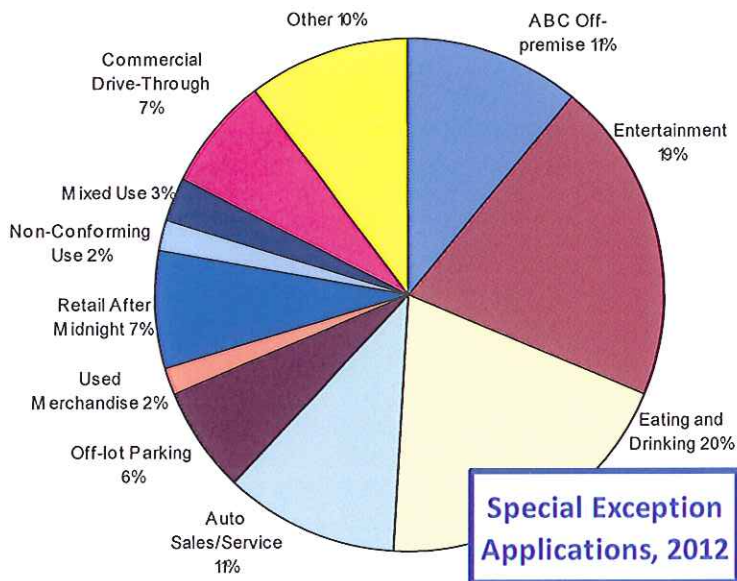
The map below illustrates the geographic distribution of planning and zoning applications reviewed by the Planning Commission in 2012. Not reflected on this map are the nine items that affected the entire City and the three items that affected all or part of a neighborhood.

Planning and Zoning Applications, 2012





## Applications Reviewed in 2012 – Special Exceptions



Special exceptions are the most common type of application considered by the Planning Commission, representing about 60% of all agenda items in 2012. About half of these applications (51%) relate to the sale of alcoholic beverages, either for off-premise consumption, on-premise consumption, or as a part of an entertainment establishment. It is important to note, however, that 18 of those 55 applications (33%) were for amendments to

previously approved special exceptions.

The remaining applications received in 2012 were divided among several categories ranging from automobile sales or service, to retail sales after midnight, to the expansion of a non-conforming use. Of the 108 special exception applications received, 88% were recommended for approval by the Planning Commission. Ten applications were recommended for denial and three were withdrawn prior to consideration by the Commission.

	Total	Percent	CPC Recommendation			% Approval
			Approval	Denial	Withdrawn	
ABC Off-premise	12	11.1%	10	2	0	83.3%
Eating and Drinking	22	20.4%	21	1	0	95.5%
Entertainment	21	19.4%	19	2	0	90.5%
Auto Sales/Service	12	11.1%	11	1	0	91.7%
Off-lot Parking	7	6.5%	6	0	1	85.7%
Used Merchandise	2	1.9%	2	0	0	100.0%
Retail After Midnight	8	7.4%	6	2	0	75.0%
Non-Conforming Use	2	1.9%	2	0	0	100.0%
Mixed Use	3	2.8%	3	0	0	100.0%
Commercial Drive-Through	8	7.4%	7	0	1	87.5%
Other*	11	10.2%	8	2	1	72.7%
<b>Total</b>	<b>108</b>	<b>100.0%</b>	<b>95</b>	<b>10</b>	<b>3</b>	<b>88.0%</b>

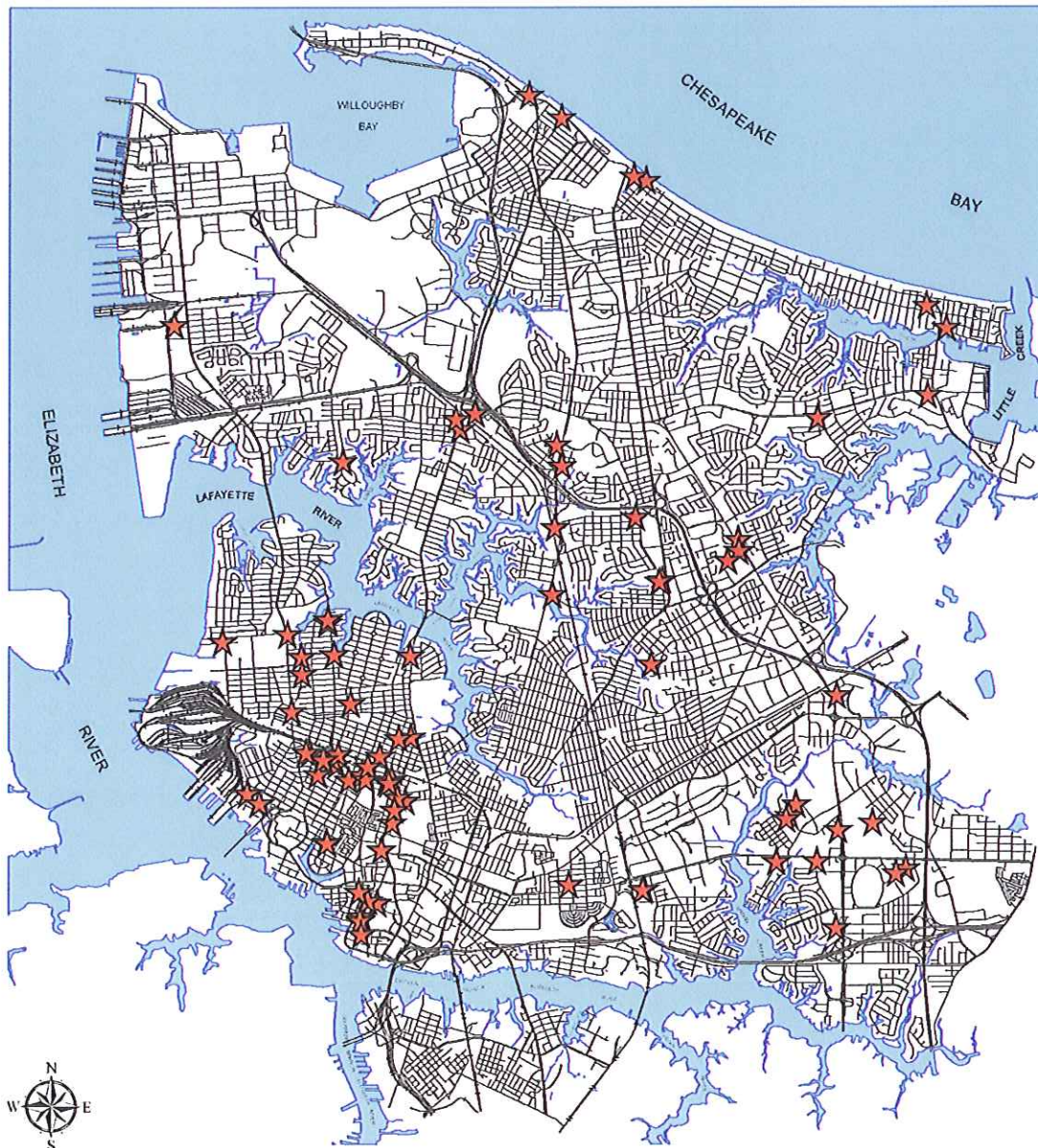
\*Includes special exceptions for daycares, nonstandard lots, payday lenders, religious institutions, tattoo parlors, taxicab operations, exceptions to historic district regulations, and for an EBH Compliance Certificate.



## Applications Reviewed in 2012 – Special Exceptions

The map below illustrates the geographic distribution of special exception applications reviewed by the Planning Commission in 2012.

Special Exception Applications, 2012





## Applications Reviewed in 2012 – Initiated by City

A number of items reviewed by the Planning Commission annually are initiated by the City, either by City staff or by the Planning Commission. Of the 178 planning and zoning applications that were reviewed in 2011, 9 were initiated by the City. The following table reflects, by type, the items that were initiated by the City in 2012. All were recommended for approval by the Planning Commission.

CPC Action Type	Total Items	Initiated by City*	% by City
Plan Amendments	13	1	7.7%
Text Amendments	11	8	72.7%
Rezoning	25	0	0.0%
Special Exceptions	108	0	0.0%
Street Closures	14	0	0.0%
Development Certificates	7	0	0.0%
<b>Total</b>	<b>178</b>	<b>9</b>	<b>5.1%</b>

\* Includes items initiated by the City of Norfolk or the City Planning Commission

## Applications Reviewed in 2012 – Council Disposition

The following table reflects Norfolk City Council's actions relative to the Planning Commission's recommendations, by application type. Of the 169 items acted upon by the Planning Commission in 2012, 91% were recommended for approval. As of January 8, 2013, 92% of the 154 items considered by City Council were approved. An additional 15 items were awaiting Council consideration at that time.

	CPC Recommendation			City Council Resolution				
	Approval	Denial	% App.	Approved	Denied	Withdrawn	% App.	Pending*
Plan Amendments	9	2	81.8%	8	1	1	80.0%	1
Text Amendments	10	0	100.0%	6	0	0	100.0%	4
Rezoning	19	3	86.4%	17	1	2	85.0%	2
Special Exceptions	95	10	90.5%	90	2	5	92.8%	8
Street Closures	14	0	100.0%	14	0	0	100.0%	0
Development Certificates	6	1	85.7%	7	0	0	100.0%	0
<b>Total</b>	<b>153</b>	<b>16</b>	<b>90.5%</b>	<b>142</b>	<b>4</b>	<b>8</b>	<b>92.2%</b>	<b>15</b>

\* These items had not been considered by City Council as of January 31, 2012.

As the above table reflects, City Council generally agrees with the recommendation made by the Planning Commission. In cases where they differed, as of January 8 2013, City Council has approved four of the items recommended for denial. Three of these items, two special exceptions and a development certificate, were part of a single application, while the fourth item, another special exception, represented a policy change by City Council.



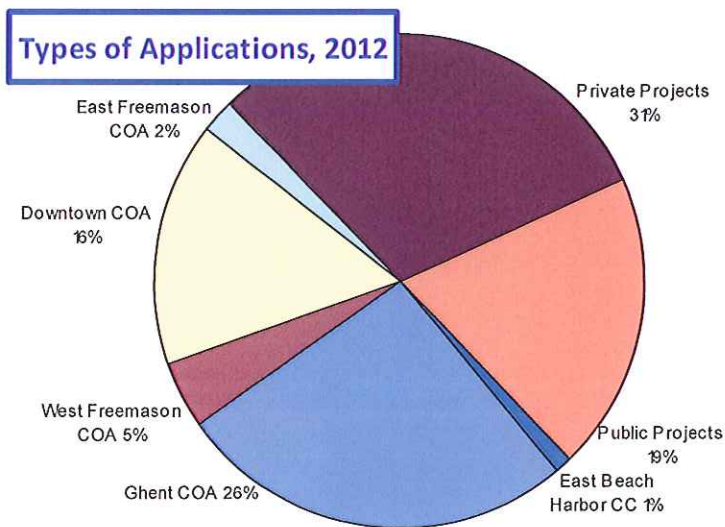
## Applications Reviewed in 2012 – Design Review

The Planning Commission reviewed 88 design review applications in 2012, approving 100%, often with conditions and following revisions suggested by either the Planning Commission and the Design Review Committee, which reviews each item prior to consideration by the Planning Commission. This represented a slight decline from the 91 items reviewed in 2011. The Planning Commission and the Design Review Committee both recommended approval of 87 items. One additional item recommended for denial by the Design Review Committee was approved by the Planning Commission following additional revisions.

	Total	Percent	Approved	Denied	Withdrawn	% Approved
Ghent COA*	23	26.1%	23	0	0	100.0%
W. Freemason COA*	4	4.5%	4	0	0	100.0%
Downtown COA*	14	15.9%	14	0	0	100.0%
E. Freemason COA*	2	2.3%	2	0	0	100.0%
Private Projects	27	30.7%	27	0	0	100.0%
Public Projects	17	19.3%	17	0	0	100.0%
East Beach Harbor CC**	1	1.1%	1	0	0	100.0%
<b>Total</b>	<b>88</b>	<b>100.0%</b>	<b>88</b>	<b>0</b>	<b>0</b>	<b>100.0%</b>

\* Certificate of Appropriateness

\*\* Compliance Certificate



A wide variety of design review applications were considered in 2012. Private projects (31%) were the most commonly considered items. Often, these applications in some way involve the use of property currently or formerly owned by the City. The next most commonly considered items were Certificates of Appropriateness (COA) for the Ghent Historic District (26%), projects undertaken

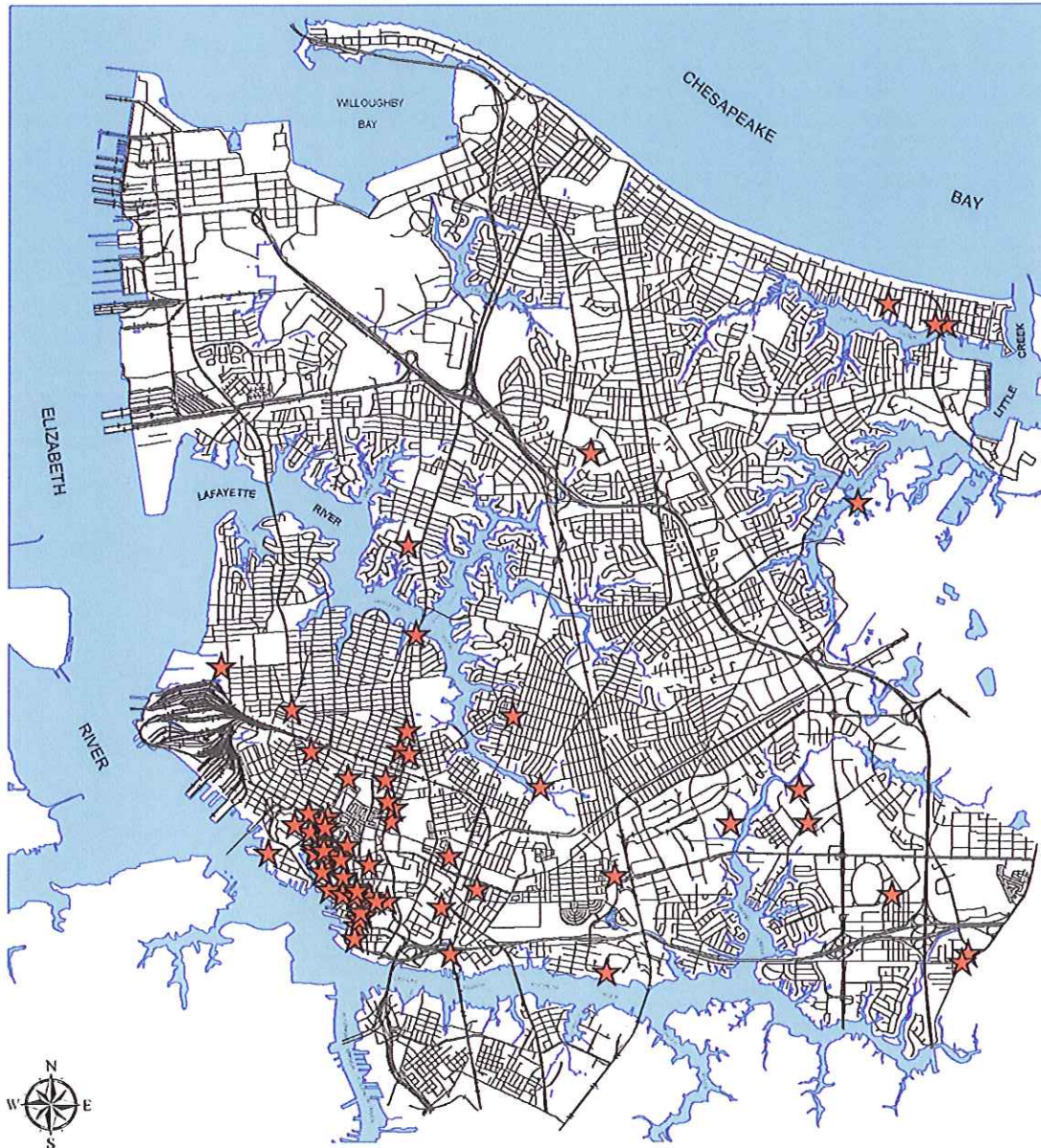
by the City directly (19%), and COAs for the Downtown Historic Overlay District. Only 5% of applications were for projects in the West Freemason Historic District, a significant decline from 2011, while 2% were for projects in the East Freemason Historic District. One application was for a Compliance Certificate for development in the East Beach Harbor Mixed Use District.



## Applications Reviewed in 2012 – Design Review

The map below illustrates the geographic distribution of design review applications reviewed by the Planning Commission in 2012.

Design Review Applications, 2012





## Plans and Other Projects

The Planning Commission continued to oversee the preparation of the City's land use plans, including the Norfolk General Plan Update, *plaNorfolk 2030*, and the process of updating the historic district design guidelines. Planning Commission also advised staff on the update of several changes to the Zoning Ordinance, including the chapters on historic districts, flooding, and parking.

The City's first major comprehensive plan update since the completion of the *General Plan of Norfolk* in 1992, *plaNorfolk*



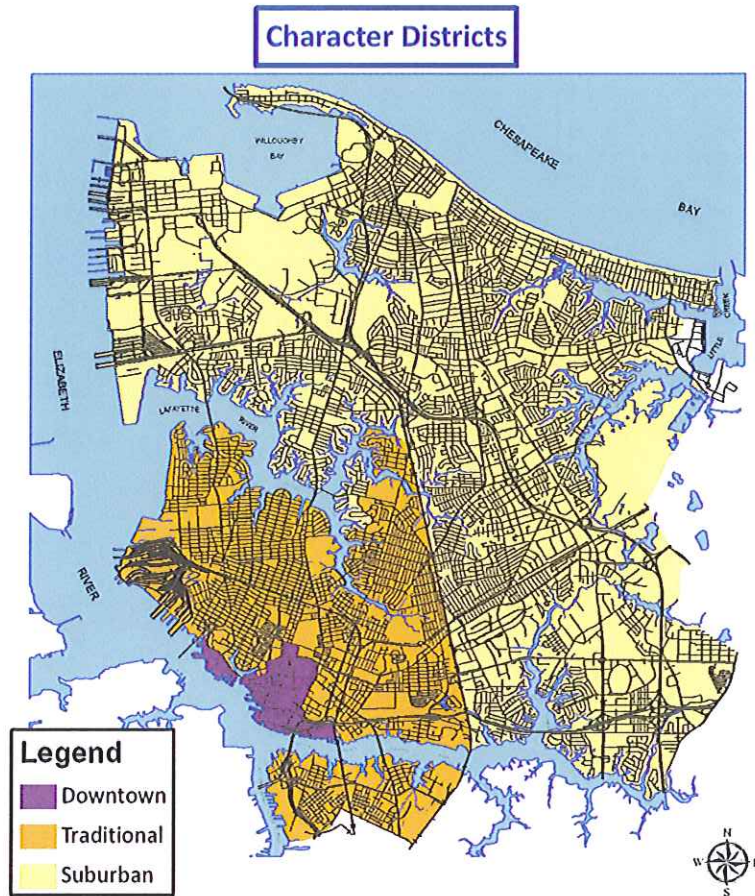
*2030* reached its concluding stage in 2012 with the Planning Commission conducting a public hearing on the draft plan in December. The plan will go to City Council for a final public hearing on its adoption in early 2013. The draft plan consists of twelve chapters covering a wide variety of topics, 30 goals spread throughout those chapters, numerous outcomes and actions providing direction on how to achieve the goals, and a long list of metrics with which progress can be measured. The plan also includes a detailed implementation framework to guide the Planning Commission and the city staff in the process of moving from plan to reality.

Planning Commission, the Design Review Committee, and the Historic and Architecture Preservation Committee worked together in 2012 to prepare and adopt a new set of design guidelines for the City's locally-designated historic districts. These groups also worked to begin the process of updating Chapter 9 of the Zoning Ordinance, which contains the historic and cultural conservation zoning districts, with a goal of Norfolk becoming eligible for designation as a "Certified Local Government" under US Department of Interior and Virginia Department of Historic Resources regulations, thus qualifying for more federal and State support of historic resource identification and protection.

Persistent flooding and coastal resilience continued to dominate many discussions in the City in 2012. The Planning Commission, together with staff, has begun developing ordinance revisions that, if adopted, will improve the ability of new construction to withstand periodic flooding. Proposals under consideration to increase the amount of required freeboard for new construction and especially for mechanical and electrical equipment will enable City residents to qualify for lower flood insurance premiums through the National Flood Insurance Program's Community Rating System (CRS).

## Plans and Other Projects

Norfolk is a city with distinctive neighborhoods and development patterns that are not well served by "one size fits all" regulation. The Planning Commission began examining this issue in 2011 while developing *plaNorfolk2030*, resulting in the creation of three character districts — Downtown, Traditional, and Suburban. In 2013, the Planning Commission will be actively engaged in defining regulations that vary depending on the character district in which it is located. The first of these regulatory changes entails setting parking requirements based on the prevailing development pattern and not attempting to impose suburban-type parking requirements in traditional and Downtown areas. Included is a recognition that bicycle parking needs must be addressed.



Planning Commission, working with staff, will also continue in 2013 the efforts begun in 2012 to improve processes and make them more understandable and transparent to the citizens of Norfolk.